IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8553 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DHIRAJLAL M PATEL

Versus

AHMEDABAD URBAN DEVELOPMENT AUTHORITY

Appearance:

None present for Petitioner

MR JM BAROT for MR HS MUNSHAW for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/04/2000

ORAL JUDGEMENT

#. Having apprehension of demolition of the construction of shop No.5 and first floor in survey No.290-291 of Ghalodia Nagar Panchayat, the petitioner, by this petition under Article 226 of Constitution of India

approach this court.

#. On 28.12.1988 this petition was admitted and interim relief in terms of para 6(c) has also been granted. This interim relief continues till day. On 31/3/2000 the matter was placed on board for final hearing. On that day Mr.Munshaw, counsel put appearance for respondent No.1 and this court gave direction to the respondent No.1 to file reply to the Special Civil Application on or before 18/4/2000. It appears that on 18/4/2000 the matter was not placed on the Board and thereafter today it has come on the Board. Shri Barot is appeared for Mr.Munshaw but the respondent No.1 has not filed reply to this Special Civil Application despite of giving direction. Shri Barot states that in case the respondents decide to demolish the construction of the petitioner then before taking that decision, the respondent No.1 will give notice and opportunity of hearing to the petitioner.

#. In view of this statement made by Shri Barot, learned counsel for the respondent No.1, the apprehension with which the petitioner has approached to this court, no more remains and as a result of this, the Special Civil Application is dismissed. Rule is discharged. Interim relief granted earlier stands vacated. No order as to costs. However, in case the respondent No. 1 decides to demolish the construction of the petitioner after hearing the petitioner, then that order may not be given effect to for 15 days. In the meanwhile, if the petitioner, so desire, may approach to the appropriate legal redressal forum available against that order.

(S.K.Keshote, J.)
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